

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA
SEP 10 PM 12:36
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

MELISSA J. BOWMER,

Plaintiff,

vs.

EAGLE NATIONWIDE MORTGAGE CO.)

Defendant.)

CAUSE NO.

1 : 10-cv- 1148-JMS-DML

COMPLAINT FOR DAMAGES

Plaintiff, Melissa J. Bowmer, for her complaint against Defendant, Eagle Nationwide Mortgage Co., states the following:

I. Parties

1. Plaintiff is a resident of Shelby County, Indiana.
2. Defendant is an incorporated business with offices located in Marion County, Indiana.

II. Jurisdiction and Venue

3. This court has jurisdiction to hear this claim pursuant to 28 U.S.C. §1331, in that the claim arises under the laws of the United States. Specifically, Plaintiff brings this action to enforce her rights under FLSA, as allowed by 29 U.S.C. §216.
4. This court has jurisdiction to hear these state claims pursuant to the court's supplement jurisdiction under 28 U.S.C. §1367.
5. Venue in the Southern District of Indiana, Indianapolis Division, is appropriate by virtue of the individual Plaintiff's residence and Defendant doing business in this District.

III. Factual Allegations

6. Plaintiff began working for Defendant on September 4, 2008.
7. Plaintiff worked for Defendant as a loan officer.
8. Plaintiff worked from Defendant's office or her home office.
9. Plaintiff worked hours for Defendant for which she was not paid minimum wages.
10. Plaintiff worked overtime hours for Defendants for which she was not paid time and a half her regular rate.
11. Plaintiff worked overtime hours for Defendants for which she was not paid at all.
12. Defendant was to pay Plaintiff commissions.
13. Plaintiff earned a commission of \$1,232.00 during her employment with Defendant.
14. Plaintiff earned a commission of \$1,232.00 during the November 1, 2008 to November 15, 2008 pay period.
15. However, Defendant only paid Plaintiff \$500.00 for this commission on November 14, 2008.
16. Defendant wrongfully deducted \$753.00 from the commission earned by Plaintiff.
17. Plaintiff quit her employment with Defendant on December 16, 2008.

Count I Failure to Properly Pay Minimum & Overtime Wages Pursuant to the FLSA, 29 U.S.C. §201 *et. seq.*

18. Plaintiff was an employee of Defendant pursuant to the FLSA.
19. Plaintiff's work for Defendant affected interstate commerce.
20. Defendant is an employer pursuant to the FLSA.
21. Defendant had gross revenues of over \$500,000.00 for the 2007 calendar year.

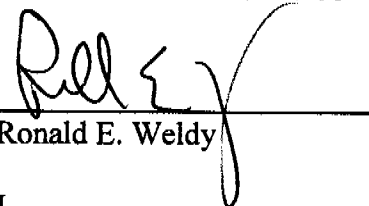
- 22. Defendant had gross revenues of over \$500,000.00 for the 2008 calendar year.
- 23. Defendant failed to properly pay Plaintiff at least minimum wages for the hours that she worked during the course of her employment.
- 24. Defendant failed to properly pay Plaintiff at time and a half her regular rate for certain overtime hours that she worked during the course of her employment.
- 25. Defendant failed to properly pay Plaintiff for certain overtime hours that she worked during the course of her employment.
- 26. Defendant's violations of the FLSA have damaged Plaintiff.

WHEREFORE, Plaintiff prays that the Court:

- A. Enter an award for Plaintiff for the overtime wages owed to Plaintiff during the course of her employment with Defendant with interest.
- B. Enter an award for liquidated damages with interest.
- C. Enter an order awarding Plaintiff all reasonable attorney fees and expenses incurred in pursuing this claim as permitted by the FLSA.
- D. Enter an award for such other relief as may be just and appropriate.

Respectfully submitted,

WELDY & ASSOCIATES



Ronald E. Weldy

Count II
Violations of the Wage Payment Statute

- 27. Plaintiff incorporates paragraphs 1 through 26 by reference herein.
- 28. Defendant is an employer pursuant to the Wage Payment Statute.
- 29. Plaintiff was an employee of Defendant.

30. Defendant failed to pay Plaintiff her agreed upon wages due and owing in a timely fashion during her employment.

31. Plaintiff has been damaged by Defendant's violations of the Wage Payment Statute.

WHEREFORE, Plaintiff prays that the Court:

A. Enter an award for Plaintiff for the actual wages owed to Plaintiff during the course of her employment with Defendant with interest.

B. Enter an award for liquidated damages with interest.

C. Enter an order awarding Plaintiff all reasonable attorney fees and expenses incurred in pursuing this claim.

D. Enter an award for such other relief as may be just and appropriate.

Respectfully submitted,

WELDY & ASSOCIATES



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Melissa J. Bowmer

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